

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

THE HON. PAULINE NEWMAN,
Circuit Judge
United States Court of Appeals for the Federal Circuit,
Appellant,

v.

THE HON. KIMBERLY A. MOORE,
in her official capacities as
Chief Judge of the U.S. Court of Appeals for the
Federal Circuit,
Chair of the Judicial Council of the Federal Circuit, and
Chair of the Special Committee of the Judicial Council
of the Federal Circuit,

THE HON. SHARON PROST,
in her official capacity as
Member of the Special Committee of the Judicial
Council of the Federal Circuit,

THE HON. RICHARD G. TARANTO,
in his official capacity as
Member of the Special Committee of the Judicial
Council of the Federal Circuit,

and

THE JUDICIAL COUNCIL OF THE FEDERAL
CIRCUIT,
AND ALL MEMBERS THEREOF,

Appellees.

NO. 24-5173

**STATEMENT OF ISSUES TO
BE RAISED ON APPEAL**

Pursuant to the Court's Order of July 18, 2024, Appellant, the Hon. Pauline Newman, by and through her counsel, the New Civil Liberties Alliance, hereby submits the following Statement of Issues to Be Raised on Appeal:

- (1) Is the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, unconstitutional to the extent it permits suspension of Article III judges from office absent impeachment?
- (2) Does the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, which sets no identifiable standards for disability, nor for commencement or termination of investigative processes, violate due process of law?
- (3) To the extent that the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364 is constitutional, have the Defendants-Appellees exceeded their authority under the Act as they have applied it to Judge Newman?
- (4) To the extent that the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364 is constitutional, has the Defendants-Appellees' conduct of the investigation violated Judge Newman's right to due process of law?

Respectfully submitted,

/s/ Gregory Dolin

Gregory Dolin, MD
Senior Litigation Counsel

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Counsel for Appellant

Certificate of Service

I hereby certify that on August 19, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing all registered users associated with this case.

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